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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/205,020 12/04/98 RYBICKI

S 05110/019001

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TM02/0809

EXAMINER

WANG, M

ART UNIT

PAPER NUMBER

2171

DATE MAILED:

08/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/205,020

Applicant(s)

RYBICKI, STEPHEN G.

Examiner

Mary D. Wang

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4,8. 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

2. The information disclosure statement filed 11/29/1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The publication of the following is not found with the filed IDS: *Y. Richard Wang, MIT, Systems Sciences, 1991 Hawaii Int'l, vol. 1, IEEE (June 1991)*.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bauer et al., U. S. Patent 5,870,759.

As to claim 1, Bauer teaches a method for synchronizing a first database residing on a first computer with a second database residing on a second computer, the method comprising (column 1 line 50 – column 2 line 6):

- a) The first computer (the server) transmitting to the second computer (the client node) a proposed synchronization mode (is interpreted as the table row refresh message) and at least one operation (is interpreted as the table row refresh message or the timestamp) operative on a record stored in the second database (column 11 lines 25-64 and Figs. 6A-6B);
- b) The second computer returning to the first computer a confirmation message accepting the proposed synchronization mode (column 11 line 65 – column 5);
- c) Wherein the at least one operation is transmitted to the second computer before the second computer returns to the first computer the confirmation message (is interpreted as a refresh acknowledgment message) accepting the proposed synchronization mode (column 11 line 51 – column 12 line 5 and Figs. 6A-6B).

Claim 2 is rejected for the similar reason as claim 1.

As to claim 3, Bauer teaches the first computer transmits the proposed synchronization mode and the at least operation as a single message (column 11 lines 25-50).

As to claim 4, the first computer and the second computer communicate via a message layer having a latency and wherein the first and the second databases are synchronized independently of the latency of the message layer are inherent for Bauer's synchronization system.

As to claim 5, Bauer teaches a plurality of the operations are concatenated in the single message (Figs. 6A-6B).

As to claim 6, Bauer teaches each of the operations is associated with at least one record in at least one of the first and second databases (Figs. 6A-6B).

As to claim 7, Bauer teaches each of the records comprises a unique record identifier (Fig. 4).

As to claim 8, Bauer teaches the second computer returns to the first computer a confirmation message confirming a successful execution of the synchronization (column 11 lines 65-67).

As to claim 9, Bauer teaches the second computer returns the confirmation message to the first computer not before receiving a subsequent synchronization request from the first computer (Figs. 6A-6B).

As to claim 10, Bauer teaches the second computer confirms a successful execution of only the last received operation and wherein the confirmation of the last received operation is indicative of the successful execution of all operations received by the second computer (Figs. 6A-6B).

As to claim 11, Bauer teaches the operations comprises at least one of adding, deleting, archiving and modifying records in at least one of the first and second databases (column 5 line 66 – column 6 line 5 and column 6 line 61 – column 8 line 3).

As to claim 12, Bauer teaches the confirmation message comprises at least one operation operative on a record stored in the first database (column 11 line 65 – column 12 line 9 and Figs. 6A-6B).

Claim 13 is rejected for the similar reason as claim 11.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al., U. S. Patent 5,870,759.

As to claims 15 and 16, according to Bauer's teaching, the first computer is interpreted as a host computer rather than a mobile computer, and the second computer is interpreted as a mobile/client computer rather than a host computer (column 11 line 25 – column 12 line 5 and Figs. 6A-6B). It would have been obvious to one of ordinary skill in the art to allow Bauer's first computer to be a mobile computer and the second computer to be a host computer so that the synchronization method by Bauer can be performed bi-directional on the host and the mobile computer.

8. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer et al., U. S. Patent 5,870,759 in view of Hoover et al., U. S. Patent 5,560,005.

As to claims 17 and 18, Bauer teaches a method for synchronizing a first database residing on the first computer with a second database residing on a second computer (column 1 line 50 – column 2 line 6).

Bauer does not specifically teach the first computer comprises at least one first broker for managing the first database and the second computer comprises at least one second broker for managing the second database.

Hoover teaches a synchronization system comprising a broker for managing database (column 5 line 35 – column 6 line 62 and Figs. 1-2, 6, 28-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include at least one first broker and at least one second broker in Bauer's first and second computer for managing the first and the second database so that the data between the server and the client can be better synchronized.

As to claim 19, the combined method of Bauer and Hoover does not specifically teach the second broker is capable of interpreting and executing the proposed synchronization mode and the at least one operation received from the first computer.

It would have been obvious to one of ordinary skill in the art to allow the second broker is capable of interpreting and executing the proposed synchronization mode and the at least one operation received from the first computer for the combined system of Bauer and Hoover because the data between the server and the client can be better synchronized.

Allowable Subject Matter

9. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fail to teach the second computer proposes to the first computer a second synchronization mode if the first proposed synchronization mode transmitted by the first computer is unacceptable to the second computer.

Inquire

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Wang whose telephone number is (703) 305-0084. The examiner can normally be reached Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached at (703) 305-9707. The fax number for this group is (703) 308-6306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose number is (703) 305-3900.

Mary Wang
Patent Examiner
Art Unit 2171
August 3, 2001


THOMAS BLACK
SUPERVISORY PATENT EXAMINER
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